

FRANKLIN COUNTY COMMISSIONERS MEETING
MEMORANDUM & MINUTES
MAY 27, 2008 @ 1:00 P.M.

Those Present:	County Commissioners:	Thomas E Wilson	Eric E Roberts	Donald M VonderMeulen
	County Auditor:	Susan A Jones		
	Commissioners Secretary:	Carol Westerman		

Tom Wilson opened the meeting with the Pledge of Allegiance in the 2nd Floor Commissioners Public Meeting Room.

**FRANKLIN COUNTY
PUBLIC LIBRARY**

DISTRICT Melody Gault, Director of the Franklin County Public Library District had presented copies of a Resolution to Change Library Name from the Whitewater Valley Public Library to Franklin County Public Library District as of May 20, 2008, along with Resolution 2008-14 County Expansion Resolution that had been signed by the Library Board, Board of County Commissioners. Documents are numbered 20080001947 and were recorded in the Records Office on May 21, 2008.

TATOO

ORDINANCE An Ordinance requiring a parent or guardian sign a form giving permission for a minor to receive a tattoo at a facility located in Franklin County was presented for adoption. Don VonderMeulen requested that it be also required that a parent or guardian be present during the tattoo application. He had meant to contact Diane Turney, Nurse at the County Health Department before today’s meeting. Diane was called and she agreed this should be added to the Ordinance. The Ordinance will be revised and presented at next week’s meeting for adoption.

**CERTIFICATE OF
APPROPRIATENESS
PAINT COLOR CHANGE**

IN METAMORA Don VonderMeulen reported he had attended a Commissioners Council for Historic Metamora and a favorable recommendation was given by the Board approving the color change for Rocking Horse Wood Works. Larry Franzman reviewed certificate and looks to be okay.

Don VonderMeulen made motion to approve the Certificate of Appropriateness for Rocking Horse Wood Works color change. Tom Wilson seconds the motion. Eric Roberts, All in Favor. Motion carried.

**INTERLOCAL
AGREEMENT**

Harry Graves asked where the Interlocal Agreement is at, at this time. Wants to know if the Agreement was sent to Lawrenceburg. Was it accepted or rejected by the City of Lawrenceburg. Don asked Harry what his point is. Asked if it was forward and did you give permission or did you give authorize anyone or told someone to send it. Harry presented IC 36-1-7 on Interlocal Agreements. Asked if procedure was followed. Eric asked what procedure was not followed. Don VonderMeulen asked that Harry put his questions on paper and in writing and they will get him the answers. Tom asked Rene did you send down the agreement. Rene said yes. Does Franklin County have a contract with Rene Stivers. Does Franklin County have a contract with Economic Development. Don asked again to put his answers in writing. Graves going to asked the Auditor for the contract with Rene Stivers. Harry said Mr. Judd threatened to throw him out of Stivers Office, as harassing. Said he had every right to be there, that’s a public office. Rene Stivers reported he has asked Mr. Graves to leave room when he wanted to talk to him privately. Graves wanted to know if that was a private room or is there a contract with the Economic Development.

Brian Bauman asked if there was an answer to his question, if the Economic Development was legal or not. Gene reported that Mr. McMillin had given him a copy of the Articles of Incorporation, which organization seems to be incorporated and signed by Secretary of State. Same organization that is dealing with the City of Lawrenceburg that appears to be a valid corporate entity. The effect if the group was appointed or not appointed. We don’t have any record, can’t find any records as appointed by statue. The question is if the Board is a continuation from 1984, he did not know the answer to that. Gene don’t think it matters. Judd just gave Gene a copy of the Articles of Incorporation and Gene had prepared. They appear to be a separate entity. He will need to do some research on it, does not think effects the grant from Lawrenceburg. Tom said the grant is not between the City of Lawrenceburg and them, it’s between the City of Lawrenceburg and the Commissioners. Gene thinks it between that body and the City of Lawrenceburg, subject to approval of the Board of Commissioners. The Interlocal Agreement. There then was discussion between Scott McDonough, Brian Bauman and Gene Stewart and Tom Wilson with regards to the Economic Development Board and Rene Stivers if this is a private Board. Gene replied that Lawrenceburg does not appear to require a contractual relationship between the Commissioners and this entity. But are accruing approval. There then was discussion between Judd McMillin and Brian Bauman. Stanley Monroe and Brian Bauman asked what entity will be land be deeded to. Mr. McMillin said it would be deeded to the Economic Development Board. Gene said he will need to look into the contractual to see if there is a contractual relationship between the Commissioners and Economic Development Board Corporation. If there was or should have been. If the answer to that is no, then in his mind you are going to be asked to approve by all three. If three of you don’t approve then it will not happen. The ramification of that is don’t go looking to Lawrenceburg for any more money. Gene asked for a couple of more days to review. Bill Schirmer we need to see this thing behind this. The People of Franklin County think that this matter had the lack of public input. He then went on to talk about the Comprehensive Plan that the plan was not followed in this instance. Statements were made on different subjects. Tom Wilson replied that the question is if the Board is a legal board or is none legal board, he don’t think anybody would initially made a not legal board. Feels you are a victim as Sam is a victim. It’s not you, it were the property lies and family should not have been ridiculed as they have been. More discussion between Bill Schirmer and Brian Bauman. It was then asked how can the County pay Rene Stivers if the Economic Development is a private entity. Said Rene is a County Employee. The Economic Development Board is a volunteer Board. Rene was hired in 2006 to get Economic Development in Franklin County. Eric Roberts asked Gene if he heard right, does it take three signatures Commissioners in order to purchase this property. Gene said as he understands. Don VonderMeulen asked if Tom and heard what Gene had just said and repeated, if we all three do not sign that Interlocal Agreement, we will not get the funds. Lawrenceburg is going to require approval from all three Commissioners. Tom said if all three do not sign we can change property. Gene said at one time that was the impression that he had had. The people in Lawrenceburg have been reading what has been going on up here and have their fill of it. If you don’t get on board, they are not going to approve it. Don’t come looking to them for any further grants. Don asked Tom if he had attended the Economic Development Board, did you hear the reasoning that Wayne Bauer on why the board had made the decision. Tom said he listed the criteria for making the decision, to him it didn’t make any sense the criteria didn’t match the property, the Comprehensive

Plan. Don said he did a very good job telling the people of the County, how the board arrived at their decision. The effort that this Board had done to do good for the County. Two of us did attended those meetings and heard the decision and witnessed the decision making that they had gone through. Both feel what they had done for the good of the County and he had wished you (Tom) had been there, then we would not be going through this. There was more discussion and meeting had been recorded.

CERTIFIED
COPIES

Larry Franzman asked how can the County find out what is certified and what is not. How do we certify something that is recorded. People are saying that stuff is not certified. Don said when a document it’s signed by the official. If something is recorded then it is certified. Susan Jones reported we are getting people in the office asking for the same information over and over again. Then going to another office asking for the same document. These request are taking time away from our employees doing their work. Anytime someone wants something from the office we are there to provide it, but how many times do we have to give someone a copy of the same thing. Gene said if the copy is given once that should be good enough. Tom asked Gene, what is considered certified, if it’s recorded at the Records Office, does that make it certified document. Gene responded Certify means it a true and accurate document. A stamped copy of a particular document, certified by the people of the records, that this is a true and accurate document. If something is from this office is signed by the keeper of the records. A recorded document in the Records office is certified by the Recorder. Harry Graves presented Indiana Code for certified copies.

WAIVED BUILDING
PERMIT FEE FOR
FAIRGROUNDS NEW
RESTROOM FACILITY

It had been requested that the \$250.00 Building Permit Fee be waived for the construction of a new Restroom Facility at the Fairgrounds. Larry Franzman reported that the plans have been submitted to the State and have been approved. Todd Raible is the Contractor for the project.

Tom Wilson made motion to waive the \$250.00 Building Permit Fee for the Fairgrounds new Restroom Facility. Eric Roberts seconds the motion. Don VonderMeulen, All in Favor. Motion carried.

BID OPENING
MID ROAD BRIDGE 71

George Hartman, Highway Engineer reported that Bid Proposals were requested to assist District Three with the installation of the Railroad Tank Shell Cars. The Contractor is to provide a Track Hoe Excavator to remove the existing bridge. The next step for the Contractor would be to excavate the channel and side slopes to the proper depth and alignment for the two railroad tank shell cars. All materials will be provided by and hauled by Franklin County Highway Department. The Highway Department will also form and place concrete headwalls to contain the fill material. George provided a spreadsheet of the list of Contractors that he have submitted plans and specifications to. Bids were opened and are as follows:

Harrison Excavating	\$ 2,700.00
Crain Excavating	\$ 2,100.00
Ballenger Excavating	\$ 3,450.00
Goldsmith Excavating	\$12,000.00
Kruthaupt Excavating	\$ 3,800.00
C & H/M Construction	\$16,000.00

Tom Wilson made motion to award the Bid to Crain Excavating for \$2,100.00, Low Bid. Eric Roberts seconded the motion. Don VonderMeulen, All in Favor. Motion carried.

REX PIPELINE

Gene Stewart reported the County has received (5) Applications for Creek Crossing that REX will be crossing with their pipeline. REX does not want to follow Rule 5. Gene believes that REX is getting close to getting approval for being exempt from Utility Approval. The County is getting close in having to pay cost of expert witnesses. The water utility companies have been paying the fees that have been generated.

HIGHWAY ENGINEER
WEEKLY REPORT

RAILFENCE ROAD BRIDGE 110 & 111 – George Hartman, Highway Engineer reported that Joe Gillespie had complied the rate sheets in selecting the consultant for Construction Engineering Services for Railfence Road Bridge 110 & 111. George has prepared a letter to be sent to Bob Windsor of INDOT to review the rating sheet.

Don VonderMeulen made motion to sign letter to INDOT. Tom Wilson seconds the motion. Eric Roberts, All in Favor. Motion carried.

PIPE CREEK BRIDGE 48 – George reported that he and Kevin Loisselle checked the conditions along the southwest wingwall. Determined that use of class 2 rip rap or shot rock will be effective for stabilizing this stream/roadway approach embankment. INDOT prefers using this large stone option without a gabion basket wall at this location. Kevin will discuss with Earth Explorations to develop a contract plan.

ENOCHSBURG ROAD COVERED BRIDGE 73 – George reported he had talked representatives from IDEM and the Section 401 had approval had been granted February 8, 2008. Permit No. 2008-86-24-SSA-X was assigned to the project.

JOHNSON FORK BRIDGE NO 100 – George also reported that the Contractor had finished the Johnson Fork Bridge Project. This had included the work on the water main and additional final inspection items. There is no extended warranty on work, but the contactor can be made to be responsible for latest deficiencies confirmed prior to INDOT closing out the project.

HARVEY BRANCH ROAD SLOPE STABILIZATION - George reported that there has been a problem with the unstable roadway stream embankment located 200 feet north of Forest Road. Highway Employees have placed materials to try to stabilize this area, but have washed out. George is recommending that precast concrete block walls be constructed. George has been working on plans and has the title sheet ready for Commissioners to sign.

Tom Wilson made motion to sign title cover sheet for slope stabilization on Harvey Branch Road. Don VonderMeulen seconds the motion. Eric Roberts, All in Favor. Motion carried.

AMENDED STOP SIGN
ORDINANCE 2008-13

Tom Wilson made motion to approve Stop Sign Ordinance 2008-13, (Noted as Ordinance 2008-13-A, Ordinance 2008-13-B, and Ordinance 2008-13-C). Eric Roberts seconds the motion. Don VonderMeulen, All in Favor. Motion carried.

- ORDINANCE 2008-13-A Intersection of Stone Church Road at Shady Lake Road which will now be an All Way Stop. Shady Lake Road (North and South Side) at Stone Church Road will now be All Way Stops.
- ORDINANCE 2008-13-B Intersection of Little Duck Creed Road at Stone Church Road which will now be an All Way Stop. Stone Church Road (East Side and West Side) at Little Duck Creek Road will now be All Way Stop.
- ORDINANCE 2008-13-C Intersection of Pike Street Blooming Grove (North Side and South Side) at Stone Church Road which will now be an All Way Stop. Stone Church Road (East Side and West Side) at Pike Street will now be All Way Stop.

2007 ANNUAL
HIGHWAY REPORT

Tom Wilson motioned to accept and sign the 2007 Annual Highway Report dated January 1, 2007 – December 31, 2007, as presented. Don VonderMeulen seconds the motion. Eric Roberts, All in Favor. Motion carried.

LETTER TO FRANKLIN CO
CONSERVATION CLUB

It was asked that a letter be sent to the Franklin County Conservation Club in regards to the land leased to them. The Franklin County Commissioners had recently turned down the future home for the VFW, which would have been located partially on the land of the Conservation Club leases. Since the project has been rejected, the signed application to give up that portion of the land is now voided. The Conservation Club can use the property as they have in the past.

Don VonderMeulen made motion to write letter to the Franklin County Conservation Club. Eric Roberts seconds the motion. Tom Wilson, All in Favor. Motion carried.

INDEMNIFICATION AGREEMENT
FOR DISPOSAL OF SCRAP
METAL AND WHITE GOODS
FROM ANNUAL CLEANUP

Billy Craig of 10105 Goose Creek Road, Metamora, Indiana had presented an Indemnification Agreement being granted the right to take all of the scrap metal acquired during the annual Franklin County cleanup. Billy Craig agrees to dispose of any Freon or other toxic substance in accordance with State and Federal Law, and agrees to indemnify and hold Franklin County, ant its agents or employees harmless as to any damage that might result from leakage or improper disposal of any Freon or other toxic substance.

Tom Wilson made motion to accept the Indemnification Agreement with Billy Craig to collect white goods and scrap during the annual cleanup. Eric Roberts seconds the motion. Don VonderMeulen, All in Favor. Motion carried.

COMPOST PILE
TOWN OF
BROOKVILLE

Don VonderMeulen asked if the County would be interested in joining the Town of Brookville in maintaining a compost pile for County Residents to dispose of their yard debris. There is currently a pile located near the sewer plant that the Town Residents use. The Town of Brookville is asking if the County could help in maintaining, such contributing to the cost of the grinding of the debris into mulch. There has been County Residents seen disposing of their debris as the site. After the debris is ground into mulch, it would be available for anyone use. Tom Wilson said he would like to find out want the cost would be, also that as long its volunteer. Don will get a price.

MINUTES Don VonderMeulen made motion to approve the Minutes of May 19, 2008. Tom Wilson seconds the motion. Eric Roberts, All in Favor. Motion carried.

ADJOURN Tom Wilson motioned to adjourn. Eric Roberts seconds the motion. Don VonderMeulen, All in Favor. Motion carried.

Others Present:	John Estridge	Bill Schirmer	John Cookendorfer	Brian Bauman
	Brian Patterson	Stanley Monroe	Scott M McDonough	Harry Graves
	Sam Schuck	J R Stivers	Wayne Bauer	Jeff Jones
	George Hartman	Dennis Kolb	Gene Stewart	Judd McMillin
	Ben Harrison	Lori Harrison		

AYE

NAY

Thomas E Wilson

Thomas E Wilson

Eric E Roberts

Eric E Roberts

Donald M VonderMeulen

Donald M VonderMeulen

ATTEST: _____
Susan A Jones, Franklin County Auditor

